

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.115 OF 2005
IN
SUMMARY SUIT NO.3428 OF 2003

Hitesh N. Shah Plaintiff
V/s.
K.M. Developers Defendant

Mr.M.K. Jariwala for the Plaintiff.
None for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH NOVEMBER, 2005.

P.C. :

1. The suit is filed to recover the amounts lent and advanced by the Plaintiff to the Defendant. The suit is based on an account stated and settled. The Plaintiff forwarded the account on 28th November, 2002. The Defendant confirmed that what is stated therein is correct.

2. There is no reply to the Plaintiff's advocate notice demanding payment. There is no affidavit in reply.

3. There is no defence to the suit. It is pertinent to note moreover that the Plaintiff has

expressly stated in paragraph 3 of the Plaintiff that the Defendant had paid interest at 21% p.a. from time to time.

4. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.